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Testimony
Before the Committee on Resources
United States House of Representatives

Hearing on An Examination of the Potential for a Delegate
from the Commonwealth of the Northern Mariana Islands

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Mr. Chairman and Members of the Committee:

It is my pleasure to accept your invitation to appear before you today to provide information on the subject of the representation in the United States Congress of non-voting Delegates from offshore areas.

Perhaps I might begin by speaking of the history of Delegates, beginning in the 19th century, from political entities in the contiguous United States. At whatever time it seemed appropriate in terms of the population, the economic activity, and the aspirations of the inhabitants, the Congress by law conferred upon such mainland political entities the status of incorporated territories. It did so by enacting an organic act, and in that act by explicitly extending to the area the provisions of the United States Constitution. That action was understood, as a matter of law, to launch the incorporated territory on the road to Statehood. That is, the act of incorporation carried with it an implied promise of ultimate Statehood. And indeed, all of the incorporated territories (generally referred to as "Territories") of the contiguous United States were ultimately admitted to the Union. Typically, organic acts for these incorporated territories also provided for the election of a non-voting Delegate to represent the people of the Territory in the Congress.

This neat pattern of political development was disrupted around the turn of the century, and in fact a bit earlier, by our acquisition of noncontiguous territories. The first was Alaska, acquired by purchase in 1867. An organic act for Alaska was not enacted until 1912. Before that, Alaska was governed under various stop-gap, short-term measures. But even before enactment of its organic act, Alaska was accorded a non-voting Delegate in the Congress. This occurred in 1906. The people of Alaska were collectively naturalized by the Treaty of 1867, except, the Treaty provided, for "the uncivilized native tribes". They achieved citizenship in 1924.

Hawaii, on the other hand, followed the mainland precedent. Always the most advanced of the offshore areas, Hawaii was, shortly after its annexation in 1898, the subject of an organic act in 1900. By that act the people of Hawaii became U. S. citizens, the Constitution was extended to Hawaii, so it became an incorporated territory, and Hawaii was accorded a non-voting Delegate.

At about the same time, the United States acquired new areas under the Treaty of Paris in 1898, following the Spanish American War. Puerto Rico and Guam were ceded to the United States from Spain. Congress legislated for Puerto Rico in 1900, but the enactment granted such limited powers of self-government to the people of Puerto Rico that it could not quite qualify as an organic act. A genuine organic act was enacted for Puerto Rico in 1917, at which time its people were made citizens of the United States. And at that time, provision was made for the equivalent of a non-voting Delegate, but he was termed the "Resident Commissioner". The Resident Commissioner from Puerto Rico was and is "entitled to receive official recognition as such commissioner by all of the departments and agencies of the Government of the United States, upon presentation, through the Department of State, of a certificate of election by the Governor of Puerto Rico" (48 U.S.C. sec. 891). This language suggests that the Resident Commissioner

has executive as well as legislative authority, but it appears that he has always acted in the same manner as the Delegates from other offshore areas. The provisions of the United States Constitution were not extended to Puerto Rico by either the 1900 or the 1917 act, or by any later Federal statute -- so Puerto Rico was unincorporated, and not given a promise of later Statehood.

The Virgin Islands, Guam, and American Samoa remain, and they have followed different routes -- but all are now represented by non-voting Delegates. The Virgin Islands, acquired by purchase in 1917, was the subject of an Organic act in 1936. That 1936 act was substantially revised in 1954, and the Revised Organic Act continues today. But it was a separate enactment in 1972 that provided for the Virgin Islands Delegate. Somewhat similarly, Guam was the subject of an organic act in 1950 -- the first notable Congressional recognition of Guam since its acquisition in 1898 -- but its Delegate dates from the same 1972 enactment. Guamanians became United States citizens in 1950; Virgin Islanders, for the most part, in 1927.

American Samoa differs from all of the rest. The United States acquired Samoa by voluntary acts of cession by Samoan chiefs, in 1900 and 1904. Samoa has no organic act. It is governed by a constitution of its own adoption, approved by the Secretary of the Interior under the general authority conferred upon him by the Congress. The people of American Samoa are nationals but not citizens of the United States -- the only category of persons who have that status today. Samoa's Delegate was authorized by Act of Congress in 1978. Interestingly, when first enacted the Samoa Delegate law required that Samoa's Delegate be a citizen of the United States. A few days later, that law was amended to allow him to be a national -- that is, the Delegate must merely "owe allegiance to the United States".

As a result of the foregoing developments, the populated offshore areas of the United States all currently have non-voting representation in the Congress -- except for the Northern Marianas. The language quoted above with respect to Puerto Rico's Resident Commissioner -- his entitlement to recognition by Federal departments and agencies -- is duplicated in the job description of the Northern Marianas Resident Representative in section 901 of the Northern Marianas Covenant. If the Resident Representative were permitted also to sit in the Congress, the historic pattern of development of Congressional representatives for offshore areas would be completed.

Your invitation to me to appear asks also that I speak to the relevance of having a Northern Marianas Delegate present, as the Committee and the Congress deal with issues of importance to the Commonwealth. As a retiree of some years standing, I cannot speak with authority about current Northern Mariana issues, but I can say that an official voice from the Northern Marianas would unquestionably have singular value in the legislative process. It is uniformly understood that the Delegates from the Virgin Islands, Guam, and American Samoa, and the Resident Commissioner from Puerto Rico, have contributed materially to the Committee and the Congress as they consider legislation affecting those areas. They contribute wisdom that could not otherwise be available.

But in addition, because of their Delegates, the people of those noncontiguous areas have been afforded some measure of representation in the Congress. Obviously it falls short of the effectiveness accorded representatives of the States of the Union, but a voice from these territories is consistent with the United States' long-term purpose of extending the democratic process to the offshore areas.

Thank you.